

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

CRIMINAL MINUTES -DETENTION HEARING

Case No.: 1:20MJ92

Date: 6/30/20

Defendant: James Brown; custody

Counsel: Nancy Dickenson; AFPD

PRESENT:	JUDGE:	Pamela Meade Sargent	TIME IN COURT: 1:32-2:21
	Deputy Clerk:	Ella Surber	2:37-3:20= 1 hr 32 min
	Court Reporter:	Ella Surber, FTR	
	U. S. Attorney:	Zachary Lee	
	USPO:	Ryan Thayer	
	Case Agent:	N/A	
	Interpreter:	N/A	

Proceedings:

- Government moves for detention.
- Government moves for continuance of detention hearing.
- Defendant(s) moves for continuance of detention hearing.
- Detention hearing continued to New hearing date.
- Detention & Preliminary Exam hearing held – Govt relies on the affidavit to the criminal complaint; Deft evidence (Chad Potter; Viani Ayala) both sides rest; argument presented as to detention and probable cause
- Findings of Fact – Court finds probable cause and finds there are conditions of release that can be imposed to allow the defendant to be released on bond

- Court grants motion for detention. Written detention order will follow.
- Court denies motion for detention. Defendant will be released on \$25,000 unsecured bond into 3rd party custody of Viani Ayala.

In addition to the standard conditions of release, the following special conditions of release are imposed:

- (a) The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case. Shall have no contact whatsoever with the victim or her family in this case. Must not be present on the victim's property.
- (b) The defendant shall report as directed by the probation officer, shall follow the direction of the probation officer; shall promptly report any personal status changes to the probation officer; this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant. The defendant shall continue to reside at his/her current residence and shall not change residences without the permission of the probation officer. The only persons allowed in the home are Viana Ayla and his children.
- (c) The defendant shall abstain from the excessive use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- (d) The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- (e) The defendant shall submit to random routine drug and or alcohol testing as directed by the probation officer; shall submit to random pill counts as directed by the probation officer.
- (f) The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.
- (g) The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determine if he/she is in compliance with his/her conditions of pretrial release.

- (h) The defendant shall not associate with any known users/possessors/distributors or manufacturers of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used, possessed, manufactured and/or distributed, unless approved by the supervising officer in cooperation with law enforcement officers.
- (i) The defendant shall restrain any animals on the premises of his/her residence in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety.
- (j) If the defendant possesses a passport, he/she shall surrender his/her passport to the U.S. Probation Office to be held pending further order of the court; if the defendant does not currently possess a passport, the defendant shall not apply to obtain a passport.